

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

TIMOTHY E. OSBORNE,

Plaintiff,

v.

CIVIL ACTION NO. 2:07CV7
(Judge Keeley)

ASPLUNDH TREE EXPERT COMPANY,
a Pennsylvania corporation,

Defendant.

ORDER GRANTING MOTION TO RESCHEDULE

On January 23, 2008, the defendant, by counsel, filed a motion to reschedule the scheduling hearing in this case. For good cause shown, the Court **GRANTS** the motion (dkt. no. 14) and **RESCHEDULES** the scheduling conference for **January 31, 2008 at 2:00 p.m.** at the **Clarksburg, West Virginia** point of holding court, at which time it will address pending motions.

Consequently, pursuant to Fed.R.Civ.P. 16 and 26(f) and LR 16.01(b), parties to this action shall meet in person or by telephone **before the scheduling conference**. At this meeting, they shall discuss all matters required by Fed.R.Civ.P. 16 and 26(f) and LR 16.01(b) including the benefits of early mediation, and advise the Court in their report whether they wish the Court to schedule the matter for early mediation.

Pursuant to Fed.R.Civ.P. 26(f) and LR 16.01(c), the parties shall file a written report on the results of the initial discovery meeting **on or before January 29, 2008**. This report shall include

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the parties' report on those matters set forth in LR 16.01(b) and (c) and the parties' discovery plan as required by Fed.R.Civ.P. 26(f). The parties may refer to Form 35 of the Federal Rules of Civil Procedure for an example of a report on a planning meeting. However, the parties should be certain to supplement Form 35 with LR 16.01(b) and (c) disclosures. The parties' report on their meeting is advisory only. Nevertheless, the parties and their attorneys are subject to sanctions as set forth in LR 37.01 for failure to participate in good faith in the development and submission of a meeting report and proposed discovery plan.

Counsel may appear by telephone. Counsel for defendant should initiate the conference call to **304-624-5850**. Counsel for plaintiff shall notify counsel for defendant of the number where they may be reached for the call by 3:00 p.m. January 30, 2008.

It is so **ORDERED**.

The Clerk is directed to transmit copies of the order to counsel of record.

DATED: January 25, 2008.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE